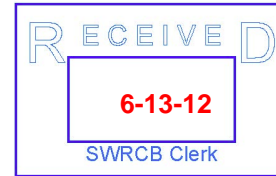




June 13, 2012



State Water Resources Control Board Members  
c/o Jeanine Townsend, Clerk  
1001 "I" Street, 24<sup>th</sup> Floor  
Sacramento, CA 95814

Sent via email to:  
[commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov)

**Re: Comments to A-2144(a)(b) – July 18 Board Workshop;  
Draft Order for Sacramento Regional County Sanitation District**

Dear Board Members:

The Partnership for Sound Science in Environmental Policy (PSSEP) is an association of public agencies, private businesses, and trade associations in California who support and promote reasonable environmental regulations, policies and regulatory decisions that are predicated on sound, objective science. PSSEP has closely followed the process by which the Sacramento Regional County Sanitation District (SRCSD) was issued its renewed NPDES permit in December, 2010 for the operation of SRCSD's Regional Wastewater Treatment Plant. PSSEP formally commented on the Regional Board's draft permit prior to adoption of that permit by the Board in December, 2012.

PSSEP is gravely concerned that the Proposed Order, if adopted, will potentially establish a number of ill-advised precedents which presumably must be followed by the Water Boards with devastating economic impacts throughout California. We question not only the technical and legal validity of these precedents but believe their application to SRCSD is improper for the reasons outlined below.

**Imposing Tertiary Treatment**

On the issue of tertiary treatment, the Proposed Order provides, "[W]e find that the Central Valley Water Board correctly concluded that the Permit's requirement to provide equivalent to 'disinfected tertiary recycled water' level of treatment is appropriate and necessary to protect beneficial uses at and around the point of discharge." The Proposed Order goes on to justify this finding by stating, "The Central Valley Water Board found that the Sacramento River is currently being used for AGR (agriculture) and REC-1 (recreational body contact) purposes at or near the outfall. Dilution in this vicinity is less than 20 to 1 and the potential for "double dosing" during some low river flow conditions coinciding with tidal influences. [sic]" (Proposed Order at p. 4; footnote

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12 omitted.) To say that “dilution in this vicinity is less than 20 to 1” is misleading at best, and conveniently ignores that, on an average daily basis (based on USGS monitoring data from 1948-2009), SRCSD’s effluent is equal to **less than One Percent** (<1%) of the flow of the Sacramento River, measured at the Freeport Gage Station. Moreover, in those situations when the river provides **less than** the required dilution for the effluent, SRCSD is prohibited from discharging at all.

Until the adoption of the NPDES permit for SRCSD, the Central Valley Regional Water Board has followed - - as does virtually **every other** Regional Board - - the standard practice of requiring a 23 MPN/100 mL pathogens limit recommended by the California Department of Public Health (CDPH) where there is substantial dilution in the receiving water. “Substantial dilution” is generally regarded as 20-to-1 or greater. What is particularly troubling is a review of the Central Valley Regional Board’s NPDES permit decisions between January, 2007 and November, 2010, which reveals that of 18 permits issued to municipal dischargers to receiving waters that provide more than 20-to-1 dilution, 16 of those permits **did not** require the dischargers to implement micro-filtration treatment. (The two exceptions were based on special circumstances not relevant to the present discussion.) In 2010 **alone**, the Regional Board issued **three** municipal wastewater NPDES permits that discharge to the Sacramento River relying on the 20-to-1 dilution standard.

In the case of SRCSD, the Regional Board’s “Fact Sheet” that accompanied the draft permit justified the unprecedented imposition of tertiary treatment on the ground that “partially diluted effluent **may be used** for the irrigation of food crops and/or body-contact recreation.” (Fact Sheet at p. F-73; emphasis added.) The 1999 CDPH guidance addresses potential health risks associated with “body-contact recreation”, and the Regional Board’s recent permit decisions make clear that the more restrictive micro-filtration treatment is unnecessary to provide adequate protection for recreational uses in receiving waters that provide for greater than 20:1 dilution (as the Sacramento River does with respect to the SRCSD discharge), the only logical conclusion to be drawn is that the Central Valley Regional Board has singled-out SRCSD for disparate and unfair regulatory treatment.

On the other hand, if the Central Valley Regional Board’s imposition of tertiary treatment requirements is not disparate and unfair, then every POTW California with an estuarine, bay or ocean discharge must be **extremely** concerned about the increased likelihood that other Regional Boards will decide to impose new pathogen standards similar to those imposed here. It is certainly foreseeable that the Proposed Order’s

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sanctioning of pathogens limits for REC-1 waters will be interpreted to apply to all REC-1 waters equally.

There is little argument that the Sacramento Region can ill-afford the economic hit if the State Board were to require SRCSD to build a **Billion Dollar** micro-filtration treatment plant just because the Regional Board staff thinks “partially diluted effluent **may be used** for the irrigation of food crops and/or body-contact recreation.” The **policy** question that State Board Members should ask is what the societal cost will be up and down the California Coast if/when other Regional Boards decide that REC-1 waters there need to be similarly protected. And if this question seems implausible, unlikely, or mere conjecture, then perhaps it is fair for the State Board Members to ask why SRCSD is being held to a different standard than other dischargers to REC-1 waters with more than 20-to-1 dilution.

Thank you for the opportunity to provide these comments for your consideration.

Sincerely yours,



Craig S.J. Johns  
Program Manager